

**DISTRICT OF COLUMBIA 2006 SESSION LAWS
SIXTEENTH COUNCIL SESSION (2005 - 2006)**

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Law 16-126
Act 16-344**ADVISORY COMMISSION ON SENTENCING AMENDMENT ACT OF 2006**

AN ACT to amend the Advisory Commission on Sentencing Establishment Act of 1998 to **rename the commission the District of Columbia Sentencing and Criminal Code Revision Commission**, to establish authority for the commission to analyze the District of Columbia's current criminal code and administration of existing criminal laws, and to propose reforms in the criminal code to create a uniform and coherent body of criminal law in the District of Columbia, and to revise the membership of the commission; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to reflect the change in name of the commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Advisory Commission on Sentencing Amendment Act of 2006".

Sec. 2. The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-101) is amended as follows:

<< DC CODE § 3-101 >>

(1) The section heading is amended by striking the phrase "Sentencing Commission" and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

(2) Subsection (a) is amended by striking the phrase "Sentencing Commission" and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

(3) Subsection (b) is amended by striking the phrase "The Commission" and inserting the phrase "In addition to the duties required under section 2a, the Commission" in its place.

(b) A new section 2a is added to read as follows:

<< DC CODE § 3-101.01 >>

"Sec. 2a. Criminal code reform.

"(a) Beginning January 1, 2007, the Commission shall also have as its purpose the preparation of comprehensive recommendations to the Council and the Mayor that:

"(1) Revise the language of criminal statutes to be clear and consistent;

"(2) In consultation with the Codification Counsel in the Office of the General Counsel for the Council of the District of Columbia, organize existing criminal statutes in a logical order;

"(3) Assess whether criminal penalties (including fines) for felonies are proportionate to the seriousness of the offense, and, as necessary, revise the penalties so they are proportionate;

"(4) Propose a rational system for classifying misdemeanor criminal statutes, determine appropriate levels of penalties for such classes; and classify misdemeanor criminal statutes in the appropriate classes;

"(5) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;

"(6) Identify criminal statutes that have been held to be unconstitutional;

"(7) Propose such other amendments as the Commission believes are necessary; and

"(8) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

"(b) No later than March 31, 2007, the Commission shall submit to the Council and the Mayor a work plan and schedule for carrying out the responsibilities authorized by this section. The work of the Commission under this section shall be completed no later than September 30, 2010.

"(c) The Commission shall submit its recommendations in the form of reports. Each report shall be accompanied by draft legislation or other specific steps for implementing the recommendations."

(c) Section 3(a) (D.C. Official Code § 3-102(a)) is amended as follows:

<< DC CODE § 3-102 >>

(1) The lead-in language is amended by striking the number "13" and inserting the number "15" in its place, and by striking the number "4" and inserting the number "5" in its place.

(2) Paragraph (1) is amended as follows:

(A) Subparagraph (B) is repealed.

(B) Subparagraph (H) is amended by striking the word "and" at the end.

(C) Subparagraph (I) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(D) A new subparagraph (J) is added to read as follows:

"(J) Three professionals from established organizations, to include institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council."

(3) Paragraph (2) is amended as follows:

(A) Subparagraph (C) is amended by striking the word "and" at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(C) A new subparagraph (E) is added to read as follows:

"(E) One member of the Council, appointed by the Chairman of the Council."

Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

<< DC CODE § 1-604.06 >>

(a) Section 406(b)(19) (D.C. Official Code § 1-604.06(b)(19)) is amended by striking the phrase "Sentencing Commission" both times it appears and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

<< DC CODE § 1-609.03 >>

(b) Section 903(a)(6C) (D.C. Official Code § 1-609.03(a)(6C)) is amended by striking the phrase "Sentencing Commission" and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

Sec. 4. Applicability.

This act shall apply as of January 1, 2007.

Sec. 5. Fiscal impact statement.

The Council adopts the February 22, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

APPROVED: April 21, 2006.

EFFECTIVE: June 16, 2006.

DC LEGIS 16-126 (2006)

END OF DOCUMENT

BILL NUMBER: AB 1376 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 13, 2009

INTRODUCED BY Assembly Member Bass

FEBRUARY 27, 2009

An act relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1376, as amended, Bass. Sentencing.
Existing law prescribes various penalties for criminal offenses.

~~This bill would state the Legislature's findings and declarations regarding the general purposes of the law on sentencing with regard to decisions affecting the sentencing of offenders, matters affecting the administration of the sentencing system, and matters regarding rehabilitation and recidivism. The bill would declare the intent of the Legislature to enact legislation that would create an independent, multijurisdictional body to, among other things, develop sentencing guidelines and provide a nonpartisan forum for sentencing policy development.~~

This bill would create an independent, multijurisdictional body to provide a nonpartisan forum for statewide policy development, information development, research, and planning concerning criminal sentences and their effects.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~
yes . State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. There is hereby established an independent, multijurisdictional body to provide a nonpartisan forum for statewide policy development, information development, research, and planning concerning criminal sentences and their effects.

~~SECTION 1. The Legislature finds and declares all of the following.~~

~~The general purposes of the law on sentencing, applicable to all official actors in the sentencing system, are the following.~~

~~(a) With respect to decisions affecting the sentencing of individual offenders, those purposes are all of the following.~~

~~(1) To render sentences in all cases within a range of severity proportionate to the gravity of offenses, the harms done to crime victims, and the blameworthiness of offenders.~~

~~(2) When reasonably feasible, to achieve offender rehabilitation, general deterrence, incapacitation of dangerous offenders, restoration of crime victims and communities, and reintegration of offenders into the law abiding community.~~

~~(3) To render sentences no more severe than necessary to achieve the applicable purposes in paragraphs (1) and (2).~~

~~(b) With respect to matters affecting the administration of the sentencing system, those purposes are all of the following.~~

~~(1) To preserve judicial discretion to individualize sentences~~

~~within a framework of law.~~

~~(2) To produce sentences that are uniform in their reasoned pursuit of the specified in subdivision (a).~~

~~(3) To eliminate inequities in sentencing across populations.~~

~~(4) To encourage the use of intermediate sanctions.~~

~~(5) To ensure that adequate resources are available for carrying out sentences imposed and that rational priorities are established for the use of those resources.~~

~~(6) To ensure that all criminal sanctions are administered in a humane fashion and that incarcerated offenders are provided reasonable benefits of subsistence, personal safety, medical and mental health care, and opportunities to rehabilitate themselves.~~

~~(7) To promote research on sentencing policy and practices, including assessments of the effectiveness of criminal sanctions as measured against their purposes and of the effects of criminal sanctions upon families and communities.~~

~~(8) To increase the transparency of the sentencing and corrections system, its accountability to the public, and the legitimacy of its operations as perceived by all affected communities.~~

~~(c) To promote rehabilitation and reduce recidivism among offenders.~~

~~SEC. 2. It is the intent of the Legislature to enact legislation that would create an independent, multijurisdictional body to do all of the following:~~

~~(a) Develop sentencing guidelines.~~

~~(b) Collaborate over time with the trial and appellate courts in the development of a common law of sentencing within the legislative framework.~~

~~(c) Provide a nonpartisan forum for statewide policy development, information development, research, and planning concerning criminal sentences and their effects.~~

~~(d) Assemble and draw upon sources of knowledge, experience, and community values from all sectors of the criminal justice system, the public at large, and other jurisdictions.~~

~~(e) Perform its work and provide explanations for its actions consistent with the purposes of the sentencing system.~~

~~(f) Ensure that all these efforts take place on a permanent and ongoing basis with the expectation that the sentencing system must strive continually to evaluate itself, evolve, and improve.~~